/31 cont'd/

595 be upheld; otherwise the balance would be upset, and a "wilderness of single men" would be inevitable.

428 When the head of a family dies, his property is equally divided among his sons (if they live separately). If he does not have sons, his property is inherited by his relatives. Women do not have the right of inheritance, with the exception of the daughter whose husband comes to live in her family. A son adopted as an heir also has the right to inherit.

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531 2. Surname and Kin Group

Miao surnames probably go back to the period before the Miao came to Hainan Island. It is of value to find out whether there is any particular social relationship between those who bear the same surname.

There is a copy of a family register in every Miao family. I have seen the family register of the Lin family of Ang-chi village, the cover page of which reads as follows:

539 /32/

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MAY LONGEVITY INSURE OUR DESTINY TEN THOUSAND YEARS

A BOOK OF THE FAMILY AND ITS BRANCHES COPIED BY LIN YING-LIEN TO BE KEPT AND MAINTAINED FOR A THOUSAND YEARS

MAY BLESSINGS AS HIGH AS THE SOUTHERN MOUNTAINS — BE TRANSMITTED

In this book the names and dates of birth and death of male and female members of each generation are all written down very clearly. A page is copied as follows:

" This is a certified copy of the register of the Family /tsung/ and its branches in its native region. They settled in Hung-li village, in Szu-en Prefecture inKwangsi-Fukien province. The three brothers Lin Ming-hsiu, Lin Ming-k'ai, and Lin Ming-yang built a house. They live on the east side of the house facing southwest, which is

/199 cont./
754 that from three is difficult, and that from four fingers is not
[562] easy to overcome. The Miao men dread ku and do not learn
its use, but the Miao women secretly practice it. Before the
[683] Chia Ch'ing reign period /1796/ when the Miao found a woman
practicing ku witchcraft, they killed her. After the Chia Ch'ing,
[434] the Miao did not dare to kill these women, and therefore sold
[177] them to the Chinese. The Chinese gradually acquired the
method, and those who had it capitalized on it to make a
profit." Volume 6 of Yung-sui t'ing-chih states: "A genuine
ku woman has eyes red like cinnabar, and red, green, blue,
and yellow stripes on her stomach, arms, and back, without
which she is a fake. A genuine ku woman has not a trace of
cobwebs in her home. Every day she must place a basin of
water in the main hall, into which she spits out the ku she has
collected to drink the water. If she does not do this, she is a
fake. A genuine ku woman usually is found in the mountains,
where she sends a bamboo pole high up in the clouds which acts
like a fighting dragon, or sends a cape up in the sky which
dances like a bird. If she can't do this, she is a fake. If a
woman can do the above strange things, the worms which will
be found in her stomach, opened after she is killed, will be
real ku. A person victimized by a genuine ku woman dies with-
in a hundred days. If his sickness lasts a year, then it is not
from receiving ku." The annals and books of successive dynas-
ties contain many references to ku poison, but unfortunately
they are not clear. The present writers were most anxious to
make a thorough investigation of ku when in the Miao area.
[123] But as ku is forbidden by the government, the Miao women
able to do ku hid their secrets well, and our investigation had
no results. The following notes are some material obtained
through interrogation.

Ku is called [ʔɔ˧ ʔi˧] in the Miao language, and a ku woman is called [mpʻɑ˧ ʔi˧]. Most of the ku women are loved by their husbands, /200/ which is called /tʻio˧ ʔi˧/, meaning seduced by ku." The art of ku is handed down from woman to
● [428] woman. For instance, if a ku woman has three daughters, one

/200 cont./

754 of them must learn this art. But the secret is not necessarily
[428] handed down to one's own daughter — other girls may also be taught. If a girl is learning sewing or singing from a ku woman, and the latter thinks that she can be taught the art of ku, she inadvertently says to the girl, "You have got it!" This girl will then get sick. In order to get well, she has to learn the art from the woman. The details of the ritual and incantations used in imparting this knowledge could not be found out. The
[778] ku woman maintains a ku altar, hidden in the house or in a
173 mountain cave. It is said that once a certain ku woman main-
754 tained an altar at home. One day after breakfast when all the villagers had gone up the mountain to work, the woman shut her door and heated warm water to bathe the images. Inadvertently, a little boy saw her. The next day when the ku woman went up the mountain to work, the boy imitated her, heating water to wash the images, scalding the ku images to death. One of them bore the soul of the woman. While working on the mountain, the woman suddenly became con--scious of what was happening. She went home to change her
754 clothes, then died. The eyes of a ku woman are red. If she does not send out the ku, she gets sick herself, and her face turns yellow. When the ku victimizes a person, the woman is protected from sickness for three years; when it victimizes an ox she is protected for one year; when it victimizes a tree, she
[829] is protected for three months. A pig may be victimized, but
[262] not a dog, and so the ku woman is afraid of dogs and does not eat dog meat. The symptoms of a victim of ku are yellow
[753] complexion, desire for food but inability to eat it, and a swollen stomach. Immediate medical attention can help re-
683 covery. In 1928 there was a case of ku poisoning at Feng-
754 huang, involving a Miao whose two sons died in succession. He suspected that a ku woman in the same village was the cause. The authorities were petitioned to search her house, where there was found hidden an earthen jar containing snakes, tortoises, toads, and so on, as well as cut-out paper images of human forms. The evidence was conclusive, and the ku woman was shot.

4:Mickey E-5 (1940-?)1947 AE5 Miao AE5

443 439 ments worn by the women were bought of a Chinese silversmith in a certain village and had to be paid for in silver dollars. Beads and embroidered strips were also bought of the Chinese.

428 **Inheritance.** The family was the social unit. Descent was through males and the oldest living male was the head of the family. Non-personal property belonged to the family as a whole and even clothing and ornaments might be passed around, especially when one or more represented the family on some social occasion. Then, in order to do honor to the family and to their hosts, they made a display of the family wealth. A woman owned the

4:Mickey E-5 (1940-?)1947 AE5 Miao AE5

428 ornaments she bought or had given her and the embroidery she made. She gave most of her ornaments to her daughters.

The possessions of the family as a whole were in land and animals. After the death of both parents the sons usually divided up the property, but all continued to work together in the cultivation of rice and the chief winter crops, leaving the care of gardens to the women of each household. If there were several married sons in a family, some had homes of their own, but they still gave mutual help. Some families had fairly extensive holdings in various directions from the village, but almost entirely in this one valley.

[426]

[163 cont.]

631 government with the functions of an administrator, with the title
648 of "t'ou-sseu" (administrator of barbarian country). This personage has retained a certain moral influence over the neighboring Tonkinese regions but naturally has no administrative authority over these populations.

The "Méo" settled in Tonkin are subject to Annamese law and amenable to the various native and European courts. Most of their
[627] differences are adjusted on the spot, according to the special customs of each tribe. When there is trul[illegible]o means of settling the affair, the case is brought before higher jurisdiction.

[164] The "Méo" greatly dread the European courts, not so
147 much because of the severity of their sentences, but because these
648 courts most frequently sit in the towns situated at low altitude, where the "Méo" are unable to live. It has quite frequently happened to us to have to judge certain "Méo," the importance of whose crimes exceeded our competence. Upon the announcement of their being sent before the court of the resident of Laokay (altitude: 90 meters) the defendants threw themselves at our feet, saying: "Kill me at once, for if you send me to Laokay, I am sure to die there."

The "Méo" family is not united by as strong ties as the fami-
593 lies of the other groups. Here again is found another manifestation
866 of the spirit of independence of the "Méo," who accept no constraint, even that of the paternal authority when it becomes too annoying. Boys and girls are raised at random, without control and without advice, obeying freely the dictates of their will and their instincts. They part company with their family when it pleases them. However, one son always remains in the paternal household to keep up the cultivation of the fields belonging to the family.

769 Ancestral worship, which constitutes elsewhere so strong a family tie, is observed by the "Méo" in the most summary fashion.

Upon the death of the father, it is the mother who remains head
768 of the family and proprietress of the various belongings, real and personal. When the mother dies in her turn, the personal property
● [428] (money, utensils, animals, crops) are divided among the male children. The eldest son or that one of the sons who remains settled in the paternal home becomes head of the family and cultivates the

/32 cont./

597 Married couples may adopt any number of children; no limits are set. In connection with the adoption of a strange and [582] purchased child, the ancestors and the god of heaven are offered the same sacrifice as I described in the case of the adoption of a child belonging to the sib. From now on the adopted child [428] bears /33/ the family name of the adoptive parents and is qualified to inherit just like an own child. In relation to the latter there is no difference in the treatment and legal position of the adopted children. [851] They are by no means treated as servants, but are received into the family community with the same ceremony as a newborn child of one's own sib (cf. the chapter, "Life in the Community," section on "Naming and Admission into the Family Community"). Once the adoption is completed, the old family no longer has any jurisdiction whatsoever over the child given up, and conversely the new family cannot claim any rights for this child from its former family.

597 184 According to information by Dhuraratsadorn (1), among

1. Page 167.

the Meau in Thailand parents are not permitted to adopt a child if they have a son. If they have only daughters, however, and wish to perpetuate their family, it is said that they adopt a boy from another family, who then marries one of the daughters and carries on the name and the family of the adoptive parents. If a married couple is childless, however, it is said that they are permitted to obtain only a boy of a related family. If this, [595] too, is not possible, the wife, according to the author named, must procure a concubine for her husband, with whom he tries to perpetuate the family. I did not find confirmation for these statements.

Akha A04
Miao AE5

/33 cont./

A 597 A [435] Among the Akha for the most part children are adopted only after they are able to eat, since only at this age is there any guarantee that the child will not die prematurely. A purchase price of about twenty rupees is paid for a boy and about ten for a girl, with which all the formalities are settled once and for all.

M 608 M [273] Blood brotherhood among the Meau is entered into only by men who are devoted friends. Only the free will of the participants is decisive in this case. If two men have agreed to enter into blood brotherhood with each other, a chicken is slaughtered by cutting its throat. The blood is collected in a bowl, mixed with rice spirits (liquor distilled from rice), and drunk in equal portions by the two men. /34/ To seal the blood brotherhood a formula is used by each of the two participants, which in free translation runs as follows: "We are friends. If I become rich, you will too; if I become poor, the same will happen to you." Then both go to the altars in their houses and burn some of the chicken blood which they have sprinkled on paper that is prepared for this and similar occasions. While it is burning, they call on the supreme god of heaven and their ancestors and ask that their sacrifice be accepted and that the blood brotherhood concluded between them be heeded.

M [776] [782] The rights of blood brotherhood are quite extensive. From now on the two are regarded as brothers by the others and share all their possessions with each other, help and support each other in every way. On the other hand, they are not entitled to inherit like actual brothers, and neither has any right to the wife of the other.

M [428] [837]

A 608 572 The Akha do not have blood brotherhood, just "friends," without any special rights and duties.

/176 cont./

756 and this knowledge are not acquired through learning; the office [787] of the shaman is not even necessarily handed down from father to son, though this is possible, but primarily the shaman is a person who has been chosen by the spirits. Usually each village has several shamans, who, it is assumed, are not equally powerful. [554] Their rating depends on the successes accomplished by the individual shamans. A person may turn to one in less important cases and to another in more important cases or if the first shaman has failed.

[562] Similarly, the position of the shaman does not depend on the sex, although female shamans are much rarer than male ones. [554] Both male and female shamans, when they are not engaged in their special activities, live /Color Pl. II appears here on an unnumbered page/ /177/ exactly like the other members of the tribe, from whom, if they are men, they are in no way distinguished, except for a small distinguishing mark (Fig. 40). The [302] female shamans are recognizable only by their hair style; they do not wear the long hair of the women, but have the head either close-cropped or wear the male hair-style, depending on the instructions given to them by the teacher-spirit of the shamans.

The latter also determines the color of the distinguishing [292] mark of the shamans, a small fabric cross that is sewed on the back of the blouse and is worn only while a ceremony is being performed. /Fig. 40 appears here./ Sometimes small silver coins, usually of Chinese origin, are sewed in two or four ends of the fabric cross. This, too, would have been ordered by the teacher-spirit of the shamans.

428 If a shaman is about to die and wants to designate one of 756 his sons as his successor, this is done in ceremonial fashion. He 787 sacrifices four candles and four small bowls of tea to the teacher-spirit of all the shamans, kŏ nŏ kŏ tsŭ, and the three pairs of [782] assistant spirits, tă fŭ yé, lŭ fŭ yé, and săn fŭ yé. The teacher-[776] spirit and each pair of assistants are entitled to one candle and [801] one bowl; moreover, four is the lucky number of the Meau. Now the gongs are beaten and the magic rattle is sounded until the shaman believes that the spirits are present. He now asks them to lend their assistance to his son, whose name he mentions, just as they have to him during his years of activity, for he himself is now too old to continue to perform his duties.

/177 cont./

428 756 The young shaman chosen by his father does not have to go through any kind of preparatory period or apprenticeship. This is actually unnecessary since his abilities depend on the will of the spirits, and the duties of a shaman have been familiar to him since childhood through his observation of his father 's activities.

756 787 [775] It is the task of the shaman to learn the wishes of the ancestors and spirits and to make them known to human beings. The shaman, however, can call on not only the ancestors, but also the souls of dead strangers. Through them he receives information with which he may, for instance, clear up a crime. On the other hand, he cannot induce them to change their dwellings /178/ or influence them in any other way. It is also impossible for the shaman to bewitch human beings or to do other evil deeds by means of his supernatural powers, just as he cannot influence the weather. On the other hand, in addition to other duties which will be discussed below, the shaman has the task of driving away evil spirits that make the houses and fields of human beings unsafe or those by whom human beings are possessed.

Fig. 40 Fabric cross of the Meau. 1/15 nat. size. Worn sewed on the back of the jacket of the shamans.

756 755 789 [822] Exorcism is practiced with very simple means. Since the spirits always have a special liking or dislike for certain colors, the shaman ascertains, after an appropriate ceremony, which color in particular the spirit that possesses a human being rejects. Accordingly he has a cross of black, white, or red cloth sewed on the back of the clothes of the one possessed, since these are the colors that come under consideration. In the long run the spirit is unable to bear the odious color and seeks another abode, whereupon the one possessed is cured.

There is still another method of spirit-exorcism. The one possessed must sit down on the ground, and the shaman conjures [787] his teacher-spirit, the ancestors, and the three pairs of assistant [778] spirits. Then he commands the evil spirit to leave the body of the sick person, over whose head he clashes together the magic

39: Bernatzik--321 E-5 (1936-1937) 1947 AO1 Thailand
Miao AE5

Chapter 12

Law and the Administration of Justice

a) Property Law

423 643 634 622 596 184 Among the Meau uncultivated land formerly belonged to the king, later to the great chief, and today to the village chiefs. Cultivated land belongs to the person who has planted or inherited it, that is to say, to the head of the large /extended/ family in question. Conditions seem to be the same in Tonkin, since both Lajonquière (1) and Abadie (2) confirm my observations.

1. II, pp. 319 and 320.

2. Page 164.

The latter points out that among the Meau who live near irrigated rice fields or especially fertile soil the property rights over landed property are precisely established. The land belongs to the person 428 who cultivates and manages it, and it is transferred by hereditary transmission.

423 622 628 The situation regarding landed property among the Meau in Thailand is regulated in a very practical way. Every village chief is free to take possession of uninhabited land, into which he moves. If another village is already present in the territory concerned, permission must be obtained from the village chief there, who, by his mere presence, originally took possession of the land. If there is enough cultivable land for all the parties, this permission is always granted in practice. No special fee or rent has to be paid.

423 596 622 Accordingly, the head of every large /extended/ family is free to cultivate the untilled land lying in the vicinity of the village, which, as such, belongs to the village chief, without the special permission of the latter.

AKha A04
Miao AE5

/243 cont./

A 426 [614] Limitation of debts is as unknown to the Akha as it is to the Meau. The Akha, too, are familiar with repaying a loan in installments, as well as with interest charges. Among the Akha, however, interest is collected from sib members as well as from /244/ outsiders. The interest rate is not fixed once and for all, but in each case is left to a voluntary arrangement by the partners.

A [768] [527] [858] After the death of a debtor, the heirs are responsible for debts which he was unable to settle before his demise. In contrast to the situation among the Meau, the creditor has no right with respect to tardy debtors to make slaves or debt prisoners of their children in lieu of payment. Also, there is no such absolute power over the debtor himself or the other members of his family. [A 686] The killing of a debtor is out of the question.

[675] [211] Among the Akha I did not find the making of a debt-stick or any custom similar to it.

b) Right of Succession

M 596 428 When the head of a large /extended/ family dies among the Meau, his estate is not divided up for the time being. The members of the large family remain together as before, and the oldest married son still living in the house of the deceased, in other words, a man not yet thirty years old, is the chief heir and assumes the privileges of the deceased. He cannot refuse the obligation and office which fall to him. If he nevertheless M [622] shuns them, the village chief has him summoned and reminds him of his duty.

If this son should be incapable of providing for the family of the deceased because of sickness or as a result of his physical or mental make-up, he is replaced by the second oldest son still living in the paternal home, provided that he has the necessary qualifications. In short, the place of the deceased head is taken by that son remaining in the house who has the required physical M [622] [692] qualifications and is next in age. In case of conflict, it is the business of the village chief to make the decision.

/244 cont. /

•428 596 [184] Among the Meau in Tonkin, somewhat different legal conceptions seem to prevail, for Lajonquière (1) writes: "Cash,

1. II, pp. 319 and 320.

furniture, produce, and animals are distributed only after the death of the last parent (mother or father), for among the Meau the mother remains the head of the family /245/ after the death of her husband, and she is the owner of all his possessions until her death."

Abadie (1), too, describes customs which are likewise different from those which I found: "When the mother dies, the possessions in movable goods (money, implements, animals, and harvested produce) are distributed among the male children. The oldest son or the son who remains in the parental house becomes head of the family and is given the paternal property, on which other children may also live in accordance with special arrangements."

Dhuraratsadorn (2) also reports explicitly: "Even if the

2. Page 169.

deceased has left behind many sons and daughters, only the eldest son, as the successor of the family, inherits."

Among the Meau in Thailand, as has been said, the family unit continues to exist after the death of the great chief under the new head, and, to be sure, as long as wives of the deceased are still living. It is only after the death of the last of these wives that the married sons under the age of thirty make themselves independent and build their own homes for themselves and their wives. Since, as was set forth in detail in the chapter, "Life in the Community," the section, "Dissolution of Marriage," [589] younger widows usually remarry, whereas the widows already old and their children remain in the house of the deceased, it may easily happen that, after the death of these widows, minor children, that is, unmarried sons and daughters, survive. The

/245 cont./

428 head who succeeds the deceased takes them into his house upon the now ensuing dismemberment of the large family. Moreover, all the possessions of the large family are now distributed among the occupants of the house up to now; therefore the sons who are already independent and own their own houses receive nothing. Blood brothers of the deceased likewise cannot inherit anything.

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[608]

428 803 The distribution begins with the cash or silver. For calculating the distribution, a grain of rice is first taken for each piece of silver. Then all the sons who lived with the deceased under one roof, from the oldest to the youngest, receive in turn two grains of rice. Then all the male grandchildren of the former head, again beginning with the oldest, receive one grain of rice apiece. After the youngest of them has received his grain of rice, /246/ the sequence begins all over again with each son getting two grains of rice and so forth, until all has been distributed. Only then are the pieces of silver substituted for the grains of rice (see also the chapter, "Counting and Reckoning").

Then the ornaments are taken up. Only the sons, however, and not the grandsons, share in them, as in the other possessions. Each of the sons, in the order of their ages, selects an ornament; if any remain, the sequence begins anew. The procedure is the same with the other possessions, the animals, the house and the kitchen utensils, and the like. The produce on hand is distributed in equal shares among the sons. Cultivated fields which have not yet been harvested are tilled jointly by the heirs until the harvest, and then the produce is distributed in accordance with the system just described. The same procedure is followed with the property of the widows of the deceased as soon as they die.

428 [562] [422] The female members of the family are excluded from any inheritance, although they retain what was already their personal property, such as the dowry made by them, the ornaments that they received from their lovers or from their father during his lifetime, and the like. Besides the sons of the deceased who are already independent and therefore no longer qualified to inherit, also his brothers, cousins, and other

[597]

/246 cont./

428 [597] blood relatives, as well as adopted brothers, receive no share in the inheritance as long as the direct heirs named are present.

[756] [622] [634] Aside from possible fees, if the shaman has been asked to officiate at the burial, he, as well as the village chief, formerly the great chief, receives none of the estate. The distribution of the estate takes place under the supervision of the principal heir, who also receives the clothing of his deceased father.

[562] [596] Even if there are no sons, but daughters are present, they are still excluded from the inheritance. In this case, the oldest brother of the deceased moves into his house as the chief heir and new head of the large family, takes over all the property of the deceased, and provides for the girls as though he were the only son. In practice this situation probably never [597] happens, for the head of a large family to whom daughters were born, but not sons would have adopted a boy in time. The latter would then marry one of the daughters and become the sole heir. /247/ Dhuraratsadorn (1) reports in a similar vein:

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1. Page 169.

"Girls receive nothing, unless the deceased is survived exclusively by unmarried daughters. If the deceased is survived only by married daughters, all of whom have left the paternal home, they inherit nothing at all, and the estate passes to the closest male relative. An exception is made if a woman and her husband [597] live under one roof with her parents (adoption). In this case the estate is divided between her and the son of the deceased. Her husband cannot inherit from his parents, since he has given up all ties of kinship with his natural parents."

428 [597] The situation is similar in case of childlessness. In such cases, too, the man would long before have adopted one or probably several boys, who would have the same rights as natural sons. If a Meau should die after he has lost all his sons, [596] which may happen in epidemics, the oldest brother of the [764] deceased becomes the principal heir, who moves into the house [589] of the deceased, takes care of the funeral, and with whom the widows remain as a rule. Nevertheless, in this, as in every other

AKha A04
Miao AE5

M /247 cont./
428 case, the widows are free to decide whether to stay or to marry
589 again. If there are no brothers of the deceased, the oldest cousin
596 takes their place; if cousins, too, are lacking, the village chief
605 takes care of the burial and distributes the estate among the
622 house owners of his village.
764 Among the Akha, under somewhat different regulations,
the oldest son of the deceased is the principal heir; if there is
no son, the oldest brother.

A
428 Among the Akha, however, the principal heir takes over
596 only the house of the deceased. The other possessions, such as
money, domestic animals, house furnishings, implements, and
supplies, are distributed equally among all the sons of the de-
ceased, without waiting for the death of the wife or wives of
the former head. If there are no surviving sons, the brothers of
the deceased take their place. At any rate, the female mem-
A
562 bers of the family of the deceased, regardless of whether they are
422 widows or daughters, are not considered any more than they are
among Meau. They retain only the clothing and the few orna-
ments that represent their meager personal property, and other-
wise they go completely empty-handed.

A /248/ If the chief wife dies, her husband inherits every-
595 thing, even her personal clothing. Usually, however, he then
distributes the latter among the other women who belong to the
household.

A Among the Akha, too, other persons, such as the chief or
756 shaman, have no claim to the estate. Testamentary dispositions
622 are possible only within the legal inheritance regulations. The
father of a family, for instance, may, during his lifetime,
specify which of his sons should inherit, say, a ring that he
particularly values. He can thus pass over the principal heir
A and bestow the article on a younger son. He cannot, however,
572 bequeath any article of his property to a friend or blood brother
608 outside the family.